

### **THIRD ANNUAL SESSION**

March 11, 2013

Johnstown, NY

Roll Call – Quorum Present

Supervisors: Argotsinger, Born, Bradt, Callery, Capek, DiGiacomo, Fagan, Gendron, Handy, Howard, Johnson, Kemper, Kinowski, Lauria, MacVean, Ottalgano, Ottuso, Ponticello, Potter

TOTAL: Present: 19 Absent: 1 (Supervisor Waldron)

Vice-Chairperson Kemper called the meeting to order at 1:00 p.m. Following the Pledge of Allegiance to the Flag, Vice-Chairperson Kemper asked if there was anyone from the public who wished to address the Board.

Lee Hollenbeck, 731 Cohwy 126, Amsterdam – Mr. Hollenbeck advised that he was representing the Fulton County Farm Bureau. He asked that the Board consider rescinding Resolution 43 of 2013 (Resolution Establishing Review Criteria for the Inclusion of Parcels into Fulton County Agricultural Districts). The Farm Bureau believes that for the future of the county's agricultural industry, this resolution needs to be reconsidered. He stated that it "would have been nice" if the Farm Bureau had been included in the review of this proposal and expressed his concerns with the terms of the resolution. He said that, for years, the New York Farm Bureau has been working to keep the agricultural district in New York State active because agriculture and its importance to the community is sometimes forgotten. He hopes that the Board has listened to what he has to say and will reconsider Resolution 43.

Mark Batty, 152 North Shore, Mountain Lake Road, Gloversville – Mr. Batty stated that he is the Assistant Principal at Gloversville High School and head of the Truancy Task Force. He stated that he was here today to ask for an opportunity to have some honest dialogue about the truancy issue in this county. He stated if you drive down the streets, you will see that it is an issue. He stated that he has been dealing with this issue for two years. He stated that his basic request today is for any Supervisor to contact him to have some dialogue regarding this issue.

### **INVITED SPEAKERS**

Linda Gilbert and Elaine Mihalik of the Fulton County Municipal Clerks Association were present to present the 2013 Clerk of the Year award to County Clerk William Eschler. Ms. Mihalik advised that the Municipal Clerks Association was founded in 2001 to promote professional development and working relationships with Clerks and agencies throughout the county. She advised that Mr. Eschler has served the public well for over 20 years and was selected by a ballot of his peers.

Mr. Eschler thanked everyone for the honor. He stated that he appreciates the residents of Fulton County for their support and also thanked the Board of Supervisors for its support over the years.

## **COMMUNICATIONS**

1. Communication from Allegany County Legislature  
Subj: Resolution 32-13 Calling for the Repeal of the New York Safe Act of 2013
2. Communication from Cattaraugus Legislature  
Subj: Resolution 95-2013 Urging Repeal of New York Safe Act of 2013
3. Communication from Delaware County Board of Supervisors  
Subj: Resolution 34 Opposing the NY Safe Act of 2013
4. Communication from Greene County Legislature  
Subj: Resolution 55-13 Calling for Repeal of the Enactment of the New York Safe Act
5. Communication from Hamilton County Board of Supervisors  
Subj: Resolution 38-13 Supporting the New York State Sheriff's Association's Position on Governor Cuomo's New York Safe Act
6. Communication from Herkimer County Legislature  
Subj: Resolution 33 of the Committee on Public Safety/Emergency Management Opposing the New York Secure Ammunition and Firearms Enforcement Act of 2013
7. Communication from Madison County Board of Supervisors  
Subj: Resolution 50-13 Opposing the New York Secure Ammunition and Firearms Enforcement Act of 2013
8. Communication from Montgomery County Board of Supervisors  
Subj: Resolution 47 of 2013 Opposing the New York Secure Ammunition and Firearms Act of 2013
9. Communication from Oneida County Legislature  
Subj: Resolution 53 Opposing the New York State Secure Ammunition and Firearms Enforcement Act of 2013
10. Communication from Orleans County Legislature  
Subj: Resolution 82-213 Opposing the Process of Enactment and Certain Provisions contained within the New York Safe Act
11. Communication from Oswego County Legislature  
Subj: Resolution 005 Opposing Certain Provisions of the New York Safe Act
12. Communication from Rensselaer County Legislature  
Subj: Resolution P/68/13 Affirming Support for the Second Amendment of the United States Constitution and Opposing Attempts to Infringe on Those Rights
13. Communication from Saratoga County Board of Supervisors  
Subj: Resolution 52-13 Opposing the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013
14. Communication from Schoharie County Board of Supervisors  
Subj: Resolution 27 Opposing the Process of Enactment and Certain Provisions Contained Within the New York Safe Act
15. Communication from Tioga County Legislature  
Subj: Resolution 46-13 Opposing Any Attempt by the New York State Legislature to Enact Legislation Which Bundles Issues Relating to Gun Control and Amendment to the Freedom of Information Law
16. Communication from Tioga County Legislature  
Subj: Resolution 45-13 Opposing the Process of Enactment and Certain Provisions Contained Within the New York Safe Act

17. Communication from Ulster County Legislature  
Subj: Resolution 52 Opposing the Process of Enactment and Certain Provisions Contained Within the New York Safe Act
18. Communication from Wayne County Board of Supervisors  
Subj: Resolution 086-13 Opposing the Process of Enactment and Certain Provisions Contained in the New York Safe Act
19. Communication from Wayne County Board of Supervisors  
Subj: Resolution 087-13 Opposing Any Attempt by the New York State Legislature to Enact Legislation (NY Safe) Which Bundles Issues Relating to Gun Control and Amendment of the Freedom of Information Law
20. Communication from Wyoming County Board of Supervisors  
Subj: Resolution 13-77 Opposing the Process of Enactment and Certain Provisions Contained Within the New York Safe Act
21. Communication from Yates County Board of Supervisors  
Subj: Resolution 70-13 Opposing the Process for Enactment of the New York Secure Ammunition and Firearms Enforcement Act of 2013
22. Communication from Inter-County Association of Western New York  
Subj: Resolution Calling for the Repeal of the New York Safe Act of 2013

### **LATE COMMUNICATIONS**

1. Communication from Stephen J. Acquario, Executive Director, NYSAC dated March 1, 2013, to Jon R. Stead, Clerk of the Board  
Subj: Acknowledging receipt of Resolution No. 62 (Resolution Endorsing the Position Statement of the NYS Sheriffs' Association Expressing Concern about the recently Enacted State Gun Control Laws (NY Safe Act))
2. Communication from Assemblyman Brian M. Kolb, Assembly Minority Leader, dated March 4, 2013, to Jon R. Stead, Clerk of the Board  
Subj: Acknowledging receipt of Resolution No. 62 (Resolution Endorsing the Position Statement of the NYS Sheriffs' Association Expressing Concern about the recently Enacted State Gun Control Laws (NY Safe Act))

### **REPORTS**

- A. Fulton County Real Property Tax Service 2012 Annual Report
- B. Region 5 February 2013 Fish & Wildlife Management Board Minutes
- C. Fulton County Center for Regional Growth 2012 Annual Report
- D. Cornell Cooperative Extension of Fulton & Montgomery Counties 2012 Annual Report

## **UPDATES FROM STANDING COMMITTEES**

***Economic Development & Environment:*** Chairman Gendron advised that an executive session will be required later in the meeting to discuss elements related to proposed Resolution 5 (Resolution Appropriating Funds to the Fulton County Center for Regional Growth for Attorney's Fees and Forensic Accounting Services to Pursue Recovery of Monies taken by former EDC/CIC Executives).

***Personnel:*** Chairman Howard advised that an executive session will be required to discuss proposed Resolution 9 (Resolution Approving Collective Bargaining Agreement between the County of Fulton and Fulton County General Unit, CSEA Local 818 (2010-2014)) before voting on it.

## **REPORTS OF SPECIAL COMMITTEES**

***Soil and Water Conservation District:*** Supervisor Ottalagano advised that a meeting was held on February 19. A representative from the NRCS was present. He advised that there have been no applications received from Fulton County with regards to wetland reserve. He also advised that the NRCS is being restructured throughout the state. Field work is slow during the winter months, but a few projects are being worked on. The Hales Mills Golf Club has submitted a permit for operating a sand pit. He also advised that work is continuing on the newsletter and the annual report is being completed. Supervisor Ottalagano also advised that a new boat was purchased for pond work through surplus from the Coast Guard for \$250.00.

## **RESOLUTIONS**

***No. 76 (Resolution Amending the Rules of Order to Delete the Special Committee on Forest Practice Board):*** Supervisor Howard asked why this is needed. Mr. Stead explained that 2012-13 State Budget legislation dissolved this board. As a result, this special committee needs to be deleted from the Rules of Order.

***No. 78 (Resolution Authorizing Advertisement for Bids for the Lease of Two Sedans for use in the Department of Social Services):*** Supervisor Callery stated that these vehicles have very low mileage and maybe the County should consider purchasing these cars. He stated that it may be more cost effective to purchase these vehicles and drive them for another three years rather than enter into a new lease. Mr. Stead explained that buying leased vehicles from a "walk-away" lease is usually quite costly because of required residual payments.

***No. 87 (Resolution Applying For and Accepting 2013 "S.T.O.P. Violence Against Women" Grant Funds from the NYS Division of Criminal Justice Services (District Attorney):*** Supervisor MacVean stated that she worked in the court system for several years and constantly saw charges reduced against individuals who were accused of domestic violence. She stated that she would like to see money invested in prosecuting these people. She also stated that she would rather see the money invested in a safe house for victims of domestic violence or for victims. She stated that she is not against the grant, but she would like stronger prosecution of domestic violence offenders.

Vice-Chairperson Kemper opened the Public Hearing for the purpose of receiving comments regarding the CSEA General Unit Local 818 Collective Bargaining Agreement Fact-Finding Report (PERB Case M2011-029) at 1:34 p.m. There being no public speakers who wished to address the Board, Vice-Chairperson Kemper announced that she would keep the public hearing open for a portion of the Board Meeting.

***No. 97 (Resolution Setting Date for Public Hearing Regarding Local Law A of 2013 Entitled “Local Law Establishing Real Property Tax Exemption:*** Supervisor DiGiacomo stated that he voted against this in committee and said that he understands the process of needing to schedule a public hearing to receive comments. He requested that Supervisors look at the law very closely to see what the implications could be for the County and the City before the vote on this issue.

Supervisor Lauria stated that this exemption will greatly help the City of Gloversville and give people a chance to improve their property. The exemption only applies to the improvements made to the property.

Supervisor Ottalagano stated that “a statesman will try to do things that will reward the public, whereas a politician only works for what is good for their next re-election”. This local law exemption will help the community.

Supervisor Potter stated that today’s resolution is only to set a public hearing date. Factual information will be presented and Supervisors will then be able to make an educated vote.

Supervisor Lauria stated that the Board needs to look to the future. He stated that Gloversville looked to the future years ago when it extended the Economic Development Zone into the City of Johnstown. He stated that in the end, the County will gain revenue with this exemption.

Supervisor Ponticello stressed that the intent of this law is to promote downtown business district revitalization.

Supervisor Born stated that the aim today is to schedule the public hearing so that comments can be received to see who may be affected as well as to receive comments on the law. She stated that this will be a benefit to Gloversville and she is in favor of it.

Supervisor Gendron stated that it would be a “political injustice” to block the scheduling of a public hearing. He stated that this law was passed by the State Legislature in 2002. The Real Property Tax Services Director authored the proposed local law and it has been reviewed by Assistant County Attorney Jason Brott.

A motion was offered by Supervisor Callery, seconded by Supervisor Gendron and unanimously approved, to waive the Rules of Order to take Action on Late Resolution 100.

***No. 100 (Resolution Authorizing Provider Agreement between the Public Health Department and the NYS Department of Health to provide Service Coordination to Children in the Early Intervention Program):*** Mr. Stead advised that this is a procedural issue that was received late last week by the Public Health Department. He advised that starting next month, the NYS Health Department will act as the “Fiscal Agent” who will coordinate billing and payment for providers in the Early Intervention system for the Physically Handicapped Children’s program. He stated that a Memorandum of Agreement with the State of New York is needed for the Public Health Department to provide Service Coordination for the Fiscal Agent.

Vice-Chairperson Kemper then asked if there were any members of the public who wished to make comments regarding the Public Hearing to receive comments on the CSEA General unit Local 818 Collective Bargaining Agreement Fact-Finding Report (PERB Case M2011-029). There being no interested speakers, Vice-Chairperson Kemper closed the Public Hearing at 1:45 p.m.

## **PROCLAMATIONS**

### **PROCLAMATION DECLARING APRIL 21, 2013 THROUGH APRIL 27, 2013 AS “CRIME VICTIMS’ RIGHTS WEEK IN FULTON COUNTY”**

WHEREAS, the 1984 Victims of Crime Act (VOCA) affirmed our nation’s commitment to helping crime victims rebuild their lives; and

WHEREAS, VOCA established the Crime Victims Fund, a non-taxpayer funding source, which continues today to provide critical support to victim compensation and community victim assistance programs throughout the United States; and

WHEREAS, VOCA and countless other laws and policies reflect the tremendous progress that has been made over the past four decades in securing legal rights, protections, and services for victims of crime; and

WHEREAS, today thousands of victim assistance programs provide help and support to child victims of violence and sexual abuse; stalking victims; survivors of homicide victims; victims of drunk-driving crashes; and victims of domestic, dating and sexual violence and other crimes; and

WHEREAS, by highlighting the enactment of critical federal and state laws, the growth of national and community victim service organizations, the release of ground-breaking reports that focus national attention on crime victim assistance strategies and expanding the nation’s capacity to help victims rebuild their lives, crime victims are receiving the services necessary to assist them in their time of need; and

WHEREAS, the U.S. Department of Justice, through the Vision 21 initiative, calls for a renewed commitment to serving all victims of crime in the 21<sup>st</sup> century; now, therefore be it

RESOLVED, That the Fulton County Board of Supervisors hereby proclaims April 21 through April 27, 2013 “Crime Victims’ Rights Week” in Fulton County and encourages all County residents to participate in community awareness events during “National Crime Victims’ Rights Week” and, be it further

RESOLVED, That the Board of Supervisors hereby recognizes crime victims, victim advocates, and many others who have worked tirelessly to bring hope to the millions of individuals, families and communities harmed by crime.

Upon a motion by Supervisor Gendron, seconded by Supervisor Lauria and unanimously carried, the Board entered into Executive Session at 1:47 p.m. to discuss collective bargaining and pending litigation.

Upon a motion by Supervisor Fagan, seconded by Supervisor Callery and unanimously carried, the Board re-entered into Regular Session at 3:10 p.m.

***No. 77 (Resolution Appropriating Funds to the Fulton County Center for Regional Growth for Attorney’s Fees and Forensic Accounting Services to Pursue Recovery of Monies taken by Former EDC/CIC Executives):*** Supervisor Gendron stated that last October 18, 2012, he participated in a press conference in these Chambers where he discussed the devastating consequences to Fulton County’s economic development program created when excess compensation was taken by two former executives from the Fulton County Economic Development Corporation and Crossroads Incubator Corporation. He heard about the financial strain the loss of those financial resources placed on those organizations. That day, Fulton County announced a new partnership between the Fulton County Center for Regional Growth and Fulton County to refocus and rededicate Fulton County’s Economic Development Program. Fulton County is currently working on implementing that strategy.

Mr. Gendron continued that, today, the Board is considering working again with the CRG in an initiative to recapture the excess compensation taken by these two former executives. Although Fulton County was not directly involved in the payment of this excess compensation, the financial impacts created by those payments have directly affected our county’s Economic Development Program. As such, the County has a strong interest in seeing that the excess compensation is returned so that it can be reinvested to create jobs and promote economic development here in our community.

He said that, at present, there are several initiatives ongoing that are all focused on recapturing the excess compensation. Each of these initiatives has costs associated with them. The Economic Development and Environment Committee discussed this matter at its recent meeting and recommended that the County provide financial assistance to recapture the excess compensation that was taken. The goal is to recover the excess compensation that was taken and return it to Fulton County’s Economic Development Program where it belongs.

Supervisor DiGiacomo asked whether or not the two members of the Board of Supervisors that are also on the CRG Board should vote on this issue. Mr. Stead stated the reason for abstention by a Board member is if there is any personal compensation benefit involved. That is not the case.

Assistant County Attorney Brott agreed that this circumstance did not amount to a conflict of interest for the two Supervisors.

Supervisor Howard stated that he believes this civil action should be done but that the Board may be “putting the cart before the horse”. He stated that it might be better to wait until the Attorney General and IRS have completed investigations.

Supervisor Lauria stated that he would vote in favor of this resolution rather than “look the other way”.

Vice-Chairperson Kemper stated, “We owe it to the taxpayers to pursue this issue”.

### **OLD BUSINESS**

**A MOTION WAS OFFERED BY SUPERVISOR DIGIACOMO TO RECONSIDER RESOLUTION 43 OF 2013 WHICH ESTABLISHED REVIEW CRITERIA FOR THE INCLUSION OF PARCELS INTO FULTON COUNTY AGRICULTURAL DISTRICTS. SUPERVISOR CALLERY SECONDED THE MOTION.**

Mr. Stead explained the reconsideration vote process. Supervisor Callery asked if the Committee could revisit this issue this year in order to alter it. Mr. Stead stated it would have to be done in 2014 if it was not formally reconsidered.

Supervisor Howard stated that there are enough “base line questions” right now that this should definitely be reconsidered.

Supervisor Gendron stated that the Resolution should be left on the books for one year to see if there is any fall out as a result of these changes. If there are issues, then it can be amended at that time.

Supervisor Howard stated he was not aware of any issues with this Resolution until Mr. Hollenbeck addressed the Board today. If there are problems, it doesn’t hurt anything to reconsider it now.

Supervisor Callery asked Supervisor Gendron how Item 5 identified on Resolution 43 came about. Supervisor Gendron stated that a presentation was provided in the Economic Development and Environment Committee. He stated these conditions were an attempt to more clearly define criteria so that inclusion of parcels into the Agricultural Districts is not abused.



Supervisor Howard stated that Item 5 states that a property must not “pose a potential nuisance” to adjacent properties. He has a problem with this language. He asked who is going to codify what a “nuisance” is?

Supervisor Argotsinger stated he has real concerns with Criteria 1 and Criteria 5 as identified on Resolution 43. He stated that until today, the only reason for putting land in or out of an Agricultural District was whether it was viable farm land. He feels that Criteria 1 needs to be refined. With regards to Criteria 5, this was always an issue when his family was in the poultry business. This also needs to be refined.

Supervisor Kinowski asked if this could go back to the committee for further discussion rather than debate it today. Mr. Stead stated it is being debated and then the Board will vote on it. He further stated that it could also be amended today.

Supervisor Johnson stated it is necessary to get clarification on this resolution. The Board needs to be more informed on the criteria and ensure that it is not overstepping its boundaries.

Supervisor Born stated that she has concerns with Criteria 2. She would like to know what benefits accrue to landowners as referenced in that criteria.

Supervisor MacVean stated she lives on a farm and when people build next to a farm, they ought to know about the smell. “Manure happens!”

**A VOTE WAS THEN HELD UPON THE MOTION BY SUPERVISOR DIGIACOMO TO RECONSIDER RESOLUTION 43 OF 2013 ESTABLISHING REVIEW CRITERIA FOR THE INCLUSION OF PARCELS INTO FULTON COUNTY AGRICULTURAL DISTRICTS.**

**TOTAL: AYES: 375 (13) NAYS: 154 (6) (SUPERVISORS BRADT, FAGAN, GENDRON, HANDY, LAURIA AND OTTALAGANO VOTING AGAINST) ABSENT: 22 (1) (SUPERVISOR WALDRON) MOTION CARRIED.**

Mr. Stead advised that passage of the motion returns the original Resolution to the floor for further action.

**THE VICE-CHAIRPERSON THEN CALLED FOR A VOTE ON THE RECONSIDERED RESOLUTION, NOW “RESOLUTION 101” ESTABLISHING REVIEW CRITERIA FOR THE INCLUSION OF PARCELS INTO FULTON COUNTY AGRICULTURAL DISTRICTS.**

**TOTAL: AYES: 53 (2) NAYS: 476 (17) (SUPERVISORS ARGOTSINGER, BORN, CALLERY, CAPEK, DIGIACOMO, GENDRON, HANDY, HOWARD, JOHNSON, KEMPER, KINOWSKI, LAURIA, MACVEAN, OTTALAGANO, OTTUSO, PONTICELLO, AND POTTER) ABSENT: 22 (1) (SUPERVISOR WALDRON) RESOLUTION DEFEATED**

Upon a motion by Supervisor Callery, seconded by Supervisor Gendron and unanimously carried, the meeting adjourned at 3:48 p.m.

*Certified by:*

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*Jon R. Stead, Administrative Officer/  
Clerk of the Board*

*Date*

**Resolution No. 74**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE DEPARTMENT OF  
HIGHWAYS AND FACILITIES AND THE TOWN OF NORTHAMPTON FOR MOWING  
OF CERTAIN COUNTY HIGHWAY RIGHTS-OF-WAY (2013)**

WHEREAS, the County of Fulton owns and is responsible for the maintenance of County Roads 113, 123, 130, 143, 149 and 152 and attending rights-of-way which require mowing; and

WHEREAS, the Committee on Buildings and Grounds/Highway recommends a contract with the Town of Northampton as the most efficient way to accomplish such mowing; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized and directed to sign a contract with the Town of Northampton to provide mowing services to the County of Fulton on the rights-of-way for the above-designated County roads as needed during 2013; and, be it further

RESOLVED, That the County of Fulton will pay said town a total sum not to exceed \$4,000.00 to complete all necessary mowing on the aforementioned rights-of-way (9.69 total centerline miles), with the cost to be provided from Appropriation Account D-825-5110.170 Maint. Town Mowing Cont.; and, be it further

RESOLVED, That said agreement is subject to the approval of the County Attorney; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Superintendent of Highways and Facilities, Town of Northampton, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

**Resolution No. 75**

Supervisor ARGOTSINGER offered the following Resolution and moved its adoption:

**RESOLUTION AMENDING LEASE AGREEMENT WITH R&R AVIATION FOR SECOND HANGAR TO INCREASE LEASE TERM FROM 30 TO 35 YEARS**

WHEREAS, Resolution 393 of 2010 authorized an agreement with R&R Aviation Supply Corporation for Lease of Property at the Fulton County Airport for construction of a hangar with office space for a 30 year lease term, commencing January 1, 2011 through December 31, 2040; and

WHEREAS, at the conclusion of said hangar lease, the County has the option of assuming ownership of said hangar building; and

WHEREAS, as a result of a legal settlement between R&R Aviation and the Town of Johnstown, sanctioned by NYS Supreme Court, R&R Aviation has consented to pay property taxes upon said hangar building to the Town, County of Fulton and Greater Johnstown School District; and

WHEREAS, a portion of said property tax revenues will accrue to the County and is projected to be approximately \$1,300.00 in 2013; and

WHEREAS, inasmuch as R&R Aviation will now pay property taxes on said hangar building in addition to the originally-negotiated rent, R&R has proposed that the lease term be extended to a period of 35 years, commencing January 1, 2013 through December 31, 2047, in consideration of the additional expense; now, therefore be it

RESOLVED, That the Chairman of the Board, be and hereby is, authorized to sign an amendment to the original lease agreement with R&R Aviation Supply Corporation of Johnstown, NY to extend the lease term from 30 years to 35 years, commencing January 1, 2013; subject to approval of the County Attorney; and, be it further

RESOLVED, That the new amended lease shall also contain a stipulation stating that if property taxes upon the hangar building are discontinued in the future, the term of the lease agreement will revert back to the 30-year term; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Planning Director, R & R Aviation, Fixed Base Operator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

## **Resolution No. 76**

Supervisor GENDRON offered the following Resolution and moved its adoption:

### **RESOLUTION AMENDING THE RULES OF ORDER TO DELETE THE SPECIAL COMMITTEE ON FOREST PRACTICE BOARD**

WHEREAS, in a letter dated January 31, 2013, the New York State Department of Environmental Conservation notified the Board of Supervisors that the Forest Practice Board has been dissolved by 2012 State Budget legislation; and

WHEREAS, the Committee on Economic Development and Environment, therefore, recommends eliminating the Special Committee on Forest Practice Board from the Rules of Order of the Board of Supervisors; now, therefore be it

RESOLVED, that effective March 11, 2013, the Rules of Order be and hereby are amended, as follows:

§ 155-69. Paragraph J. Special Committees

Delete: sub paragraph 5) Representatives to the Forest Practice Board:  
one (1) member and one (1) alternate.

and, be it further

RESOLVED, That the Clerk of the Board review and edit the Rules of Order in accordance with the amendments specified herein; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Fulton County Code Book, All Supervisors, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

## **Resolution No. 77**

Supervisor GENDRON offered the following Resolution and moved its adoption:

**RESOLUTION APPROPRIATING FUNDS TO THE FULTON COUNTY CENTER FOR  
REGIONAL GROWTH FOR ATTORNEY'S FEES AND FORENSIC ACCOUNTING  
SERVICES TO PURSUE RECOVERY OF MONIES TAKEN BY  
FORMER EDC/CIC EXECUTIVES**

WHEREAS, in mid-2012, the re-organized Center for Regional Growth (CRG) began cooperating with County officials to re-invigorate legal proceedings to recover certain monies taken by former Economic Development Corporation (EDC) executive R. Jeffrey Bray and former Crossroads Incubator Corporation (CIC) executive Peter Sciocchetti; and

WHEREAS, after several months of information gathering and research, it is now necessary to hire specialized attorneys and specialized accounting professionals to pursue the cases further; and

WHEREAS, the taking of said monies by the two former executives resulted in serious negative consequences for the ongoing effort to promote economic development for the community and its citizens; and

WHEREAS, the Committee on Economic Development and Environment recommends that the County enter an agreement with the Fulton County Center for Regional Growth to provide it with financial assistance to successfully pursue legal remedies to recover certain monies taken by said former executives of the EDC and CIC as follows:

1. Civil Lawsuit proceedings against R. Jeffrey Bray, Peter Sciocchetti and the Bonadio Group, CPA's. (Not to exceed: \$32,000.00)
2. Excess compensation determinations and recoveries in accordance with U.S. Internal Revenue Service code regulations. (Not to exceed: \$8,000.00)

now, therefore be it

RESOLVED, That the recovery of said taken monies for use in future economic development efforts is an important public purpose; and, be it further

RESOLVED, That the Chairman of the Board, in consultation with the County Attorney, is hereby authorized to sign agreements with the Fulton County Center for Regional Growth, monitor the legal processes and do each and every other thing necessary to further the purport of this resolution; and, be it further

**Resolution No. 77 (continued)**

RESOLVED, That the County Attorney shall draft appropriate agreements to facilitate reimbursement from the County to the Fulton County Center for Regional Growth for said legal process expenditures; and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A 285-1990.400 Contingent Fund Expense  
To: A 565-6420.422 Prom Ind- FC EC Dev Corp  
Sum: \$40,000.00

and, be it further

RESOLVED, That the County Treasurer do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Fulton County Center for Regional Growth, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 302 (11) Nays: 227 (8) (Supervisors Callery, Capek, DiGiacomo, Johnson, Kinowski, MacVean, Ottuso and Potter) Absent: 22 (1) (Supervisor Waldron)

**Resolution No. 78**

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE LEASE OF TWO  
SEDANS FOR USE IN THE DEPARTMENT OF SOCIAL SERVICES**

WHEREAS, the current lease of two (2) sedans for use in the Department of Social Services will expire on May 18, 2013; now, therefore be it

RESOLVED, That the Purchasing Agent be and hereby is authorized and directed to advertise for bids from vendors for the lease of two (2) new sedans for use in the Department of Social Services (and according to further specification which may be obtained at the office of the Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, during usual business hours); and, be it further

RESOLVED, That such bids must be addressed to Jon R. Stead, Purchasing Agent, Supervisors' Chambers, Room 203, County Building, Johnstown, NY, 12095, and received by said Purchasing Agent no later than 2:00 p.m., Wednesday, March 27, 2013; and, be it further

RESOLVED, That the Board of Supervisors reserves the right to reject any or all bids; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Social Services Commissioner, Budget Director/County Auditor and Administrative Officer/ Purchasing Agent.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)



**Resolution No. 79**

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING MEAL EXPENSES FOR 2013 FOSTER PARENT  
RECOGNITION DINNER (SOCIAL SERVICES DEPARTMENT)**

WHEREAS, the Department of Social Services has historically sponsored a recognition dinner for foster parents during “Foster Care Recognition Month”; and

WHEREAS, in accordance with Section 16.03 of the Purchasing and Audit Guidelines, scheduled meetings of community events that include meals require prior approval by the Board of Supervisors; now, therefore be it

RESOLVED, That the Commissioner of Social Services is hereby authorized to expend funds for the 2013 Foster Parent Recognition Dinner, at a cost not to exceed \$900.00, subject to said costs being in accordance with State and/or Federal agency guidelines; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Social Services Commissioner, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

## **Resolution No. 80**

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

### **RESOLUTION REVISING SLIDING FEE SCALE FOR LEAD TESTING CLINICS (PUBLIC HEALTH DEPARTMENT)**

WHEREAS, the Federal government has increased the established "Poverty Levels" by regulation; and

WHEREAS, said mandated changes require corresponding alterations to the Sliding Fee Scales for Lead Testing Clinics; now, therefore be it

RESOLVED, That effective January 24, 2013, the sliding fee scale for Lead Testing Clinics be revised in accordance with the newly revised poverty levels and schedules on file in the Public Health Department and Board of Supervisors' Office; and, be it further

RESOLVED, That all other sliding fee scale for lead testing clinics heretofore established be rendered null and void; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Public Health Director, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which may further the purport of this Resolution.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

**Resolution No. 81**

Supervisor HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION APPROVING COLLECTIVE BARGAINING AGREEMENT BETWEEN THE  
COUNTY OF FULTON AND FULTON COUNTY GENERAL UNIT, CSEA LOCAL 818  
(2010-2014)**

RESOLVED, That the Fulton County Board of Supervisors, by this Resolution, hereby ratifies the 2010-2014 Collective Bargaining Agreement between the County of Fulton and General Unit, C.S.E.A. Local 818, as attached hereto and made a part hereof, and authorizes the Chairman of the Board to sign the Memorandum of Agreement, as well as authorization to sign any subsequent final agreement documents; and, be it further

RESOLVED, That the Personnel Director be and hereby is directed to transmit the necessary copies of said Agreement, when available, to the respective affected departments for distribution to its employees; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Personnel Director, C.S.E.A. Local 818, All Department Heads, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor FAGAN and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

**MEMORANDUM OF AGREEMENT**  
**By and Between**  
**The County of Fulton and**  
**The Civil Service Employees Association, Inc.**  
**Local 1000 AFSCME, AFL-CIO Fulton County General Unit**

The County of Fulton (the “County”) and the Civil Service Employees Association, Inc., AFSCME Local 1000, Fulton County General Unit, Local 818 (the “Union”) are parties to a Collective Bargaining Agreement for the term January 1, 2005 – December 31, 2008 together with a Memorandum of Agreement extending the term to December 31, 2009 (collectively “the Agreement”).

The County and Union wish to modify the Agreement as follows:

1. The term of the successor contract shall be January 1, 2010 – December 31, 2014.

2. Article III, Section 2C shall be amended to read:

“Uniform allowance for all of the above will be dispensed in the following manner”  
[remainder of Section 2C continue unchanged]

3. Article III, Section 3H shall be deleted and replaced as follows:

“The County shall have the right to implement a two (2) week payroll lag, a one (1) week increase from the one (1) week payroll lag in effect at the ratification of this agreement. The lag will be implemented one day per pay period for 5 pay periods and the employee can use accrued benefit time to cover the day each pay period (i.e. vacation, personal, holiday and compensatory time).

4. Article V, Section 1 shall be amended at the third unnumbered paragraph to clarify that floating holidays can be used under certain circumstances as follows:

This “floating holiday” must be used by the end of the fiscal year within which it is earned.

5. Article V, Section 3F shall be amended to read as follows:

Caseworkers employed with the Department of Social Services who are assigned to carry a beeper on a holiday shall receive another day off. This day off must be used within ninety (90) calendar days after the holiday.

6. Article VI, Section 2K shall be amended to read as follows:

Employees who do not use any sick leave in a calendar quarter shall be paid seventy-five dollars (\$75.00), which shall be payable in the second payroll period in August (for the first two quarters of the calendar year) and February of the succeeding year (for the second two quarters of the calendar year). An employee who does not use any sick leave in a calendar year shall be paid an additional one hundred dollars (\$100.00) for an annual total of four hundred dollars (\$400.00), which shall be paid in the second payroll period of February of the succeeding year.

7. Article VI, Section 2L shall be amended to incorporate the sick leave donation program MOA. (County Proposal No. 14) (see attached MOA @ para 1).
8. Article VI, Section 9 shall be amended by adding a new paragraph to read as follows:

The Chairperson of the Fulton County Board of Supervisors shall be vested with the sole discretion to invoke the above provisions. Said decisions shall be based upon information obtained from the Fulton County Sheriff's Department, the Fulton County Highway Department, and from the cities and towns within Fulton County. Upon mutual agreement of the employee and the department head, employees may have the option of flexing their time for inclement weather conditions when the provisions of this section are invoked.

9. Article VIII, Section 4 (Dental Insurance) shall be deleted in its entirety and replaced as follows:

The employer retains the right to select a dental insurance carrier, or at its discretion, to self insure for dental coverage for its employees; provided that, should the employer exercise its right to change dental insurance carriers or self insure the dental benefits, the subsequent benefits shall be at least equivalent to the current benefit levels. All employees will be covered by "family plan" dental insurance costs to be born by the Employer. At the time of ratification of this agreement (that being March 11, 2013) benefits are currently underwritten by CSEA Employee Benefit Fund.

10. Article VIII, Section 5 shall be amended by adding said Section 5 to be entitled "IRS 125 Plan" to read as follows:

The County shall offer to all bargaining unit employees an IRS Section 125 Plan through an independent administrator at no cost to the employee. The purpose of this IRS 125 Plan will be to allow employees to set aside their own money for unreimbursed medical expenses and health care costs, all at pretax dollar amounts.

Any employee who leaves County service and owes money to the County as a result of the employee's use of the IRS Section 125 Plan shall repay said monies from the employee's final pay check.

11. Article X, Section 3 shall be deleted and replaced as follows:

The probationary period shall be that established by the Rules for the Classified Service of Fulton County.

12. Article VIII, Section 2B shall be amended by adding the following:

Employees hired after the ratification date (that being March 11, 2013) may choose to participate in the Fulton County health insurance plan with coverage beginning thirty (30) days from the date of hire. Employees with less than one year of service shall contribute 50% of the premium for either individual or family coverage. After the completion of one year of service, employees shall contribute 20% of the individual health insurance premium. Such employees electing family/dependent health insurance shall contribute 50% of the dependent coverage and shall be given full credit for the cost of the individual premium in calculating the family premium contributions.

13. Article III, Section 2A shall be amended so that effective January 1, 2013 the boot allowance will be \$100.00/year.

14. The Union, upon ratification by the Union and the County of the tentative agreement, shall withdraw the pending Improper Practice Charge in PERB Case No: U-31368.

15. Wages will be adjusted as follows:

<u>2010:</u>	0
<u>2011:</u>	1/1/11 = 1.0%; 7/1/11 = 1.0%
<u>2012:</u>	1/1/12 = 1.0%; 7/1/12 = 1.5%
<u>2013:</u>	0
<u>2014:</u>	0

16. This Memorandum of Agreement constitutes the entire understanding by and between the parties as to modification to the Agreement.

17. Proposals not detailed herein are deemed to be withdrawn.

18. The Union reserves the right to have this tentative agreement taken to its membership for a ratification vote; the County reserves the right to have this tentative agreement taken before the Board of Supervisors for a ratification vote.

*Agreed to this 30<sup>th</sup> day of January 2013.*

**Resolution No. 82**

Supervisor HOWARD offered the following Resolution and moved its adoption:

**RESOLUTION REVISING THE NON-UNION SALARY STRUCTURE AND AMENDING  
CERTAIN PROVISIONS OF THE “EMPLOYMENT POLICIES FOR FULTON COUNTY  
NON-BARGAINING UNIT EMPLOYEES”**

WHEREAS, the Board of Supervisors has approved a new collective bargaining agreement with the Fulton County General Unit, CSEA Local 818 for the period 2010 through 2014; and

WHEREAS, in the interest of economy and efficiency, the Committee on Personnel recommends amending the “Employment Policies for Fulton County Non-Bargaining Unit Employees” to implement similar provisions for non-bargaining unit employees; now, therefore be it

RESOLVED, That the “Employment Policies for Fulton County Non-Bargaining Unit Employees” be amended as pertinent sections, as attached hereto; and, be it further

RESOLVED, That these revisions become effective immediately and shall be incorporated into the proper sections of said policies manual at its next reprinting; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, All Departments, Payroll Division, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

**AMENDMENTS TO “EMPLOYMENT POLICIES FOR FULTON COUNTY  
NON-BARGAINING UNIT EMPLOYEES”**

**March 11, 2013**

1. **Lag Payroll:** Employees shall have their pay lagged two (2) weeks – a one (1) week increase from the one (1) week payroll lag currently in effect. The lag will be implemented one day per pay period for five (5) pay periods and the employee can use accrued benefit time to cover the day each pay period (i.e., vacation leave, personal leave, holiday and compensatory time).
2. **Holidays:** The “floating holiday” must be used by the end of the fiscal year within which it is earned.
3. **Sick Leave (Date change only):** Any payments due to employees who do not use sick leave in a calendar quarter shall be paid in August and February rather than in July and January.
4. **Tardiness (add the following to existing language):** The Chairperson of the Fulton County Board of Supervisors shall be vested with the sole discretion to invoke the above provisions. Said decisions shall be based upon information obtained from the Fulton County Sheriff’s Department, the Fulton County Highway Department, and from the cities and towns within Fulton County. Upon mutual agreement of the employee and department head, employees may have the option of flexing their time for inclement weather conditions when the provisions of this section are invoked.
5. **Dental Insurance:** The employer retains the right to select a dental insurance carrier, or at its discretion, to self insure for dental coverage for its employees; provided that, should the employer exercise its right to change dental insurance carriers or self insure the dental benefits, the subsequent benefits shall be at least equivalent to the existing benefit levels. All employees will be covered by “family plan” dental insurance, cost to be borne by the County. Dental benefits are currently underwritten by CSEA Employee Benefit Fund.
6. **IRS Section 125 Plan:** Employees shall be offered an IRS Section 125 Plan commensurate with that offered to collective bargaining unit members.
7. **Health Insurance (add the following to existing language):** At their option, employees hired subsequent to March 11, 2013 shall be covered under the Fulton County health insurance plan as follows: Coverage begins after 30 days from the date of hire. Employees with less than one year of service shall contribute 50 percent of the premium for either individual or family coverage. After the completion of one year of service, employees shall contribute 20 percent of the individual health insurance premium. Such employees electing family/dependent health insurance shall contribute 50 percent of the dependent coverage and shall be given full credit for the cost of the individual premium in calculating the family premium contributions.



8. **Uniform Allowance:** Effective January 1, 2013 the boot allowance for eligible employees will be \$100.00 per year.
9. **Wages:** The Personnel Director shall adjust non-union salary schedules by 2 % for 2012.

**Resolution No. 83**

Supervisors CALLERY AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION ACCEPTING GOVERNOR'S TRAFFIC SAFETY COMMITTEE  
2013 IGNITION INTERLOCK PROGRAM GRANT  
(PROBATION DEPARTMENT)

WHEREAS, the Probation Department has been notified that the County has been awarded a grant to administer the Ignition Interlock Program for 2012-2013, in the amount of \$7,000.00; now, therefore be it

RESOLVED, That the Board of Supervisors hereby accepts a 2012-2013 Ignition Interlock Program grant from the Governor's Traffic Safety Committee, in the amount of \$7,000.00, for the period October 1, 2012 through September 30, 2013; and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Decrease A-081-0599.000 Appropriated Fund Balance	\$7,000.00
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Revenue Account:

Increase A-083-3310.000 State Aid – Probation	\$7,000.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Probation Director, Governors Traffic Safety Committee, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

**Resolution No. 84**

Supervisor CALLERY offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING APPLICATION AND ACCEPTANCE OF 2012 NYS  
EMERGENCY MANAGEMENT PERFORMANCE GRANT  
(CIVIL DEFENSE/FIRE COORDINATOR)

WHEREAS, Fulton County has been allocated \$25,285.00 in grant funds under the 2012 Emergency Management Performance Grant (EMPG); now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to submit an application to the NYS Division of Homeland Security and Emergency Services (DHSES) for 2012 Emergency Management Performance Grant funds, in the amount of \$25,285.00; and, be it further

RESOLVED, That the Chairman of the Board is also hereby authorized to execute appropriate documentation to accept said grant funds; and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Decrease A-081-0599.000 Appropriated Fund Balance	\$10,285.00
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Revenue Account:

Increase A-083-4305.000 Civil Def – Federal Aid	\$10,285.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense/Fire Coordinator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

**Resolution No. 85**

Supervisors CALLERY AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION RE-ALLOCATING CERTAIN 2010 COMPANION ANIMAL  
SHELTERING GRANT FUNDS IN THE CIVIL DEFENSE DEPARTMENT**

WHEREAS, Resolution 53 of 2011 accepted a 2010 Companion Animal Sheltering Equipment (CASE) Grant through the NYS Office of Homeland Security, in an amount of \$37,800.00; and

WHEREAS, Resolution 414 of 2011 rescinded Resolution 53 of 2011 because purchases through said grant were not made by the end of 2011; and

WHEREAS, Resolution 84 of 2012 authorized a Resolution re-allocating certain 2010 Companion Animal Sheltering Grant Funds in the Civil Defense Department; and

WHEREAS, Resolution 54 of 2013 authorized reallocating certain 2010 Companion Animal Sheltering Grant funds to purchase a weather radio and miscellaneous supplies; now, therefore be it

RESOLVED, That the Civil Defense/Fire Coordinator be and hereby is authorized to purchase equipment and supplies to close-out said grant, in approximate amounts, as follows:

Two (2) Laptops	\$ 2,392.00
Two (2) Software for Laptops	508.00
Two (2) Two-way Radios	192.00
Two (2) Scanners	206.00
One (1) Printer	499.00
Miscellaneous Supplies	333.00
Pet Cage Pads	<u>870.00</u>
	\$ 5,000.00

and, be it further

**Resolution No. 85 (continued)**

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3306.002 Civil Def-CASE	\$5,000.00
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Appropriation Accounts:

Increase A-385-3645.202 Civil Def-CASE-Equip	\$ 3,289.00
Increase A-385-3645.402 Civil Def-CASE-Contractual	<u>1,711.00</u>
	\$ 5,000.00

and, be it further

RESOLVED, That the Civil Defense/Fire Coordinator do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense/Fire Coordinator, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor POTTER and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

**Resolution No. 86**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION APPOINTING WILLIAM FERGUSON TO THE FULTON COUNTY  
LOCAL EMERGENCY PLANNING COMMITTEE**

WHEREAS, a vacancy exists on the Local Emergency Planning Committee; now, therefore be it

RESOLVED, That William Ferguson, of Gloversville, NY, be and hereby is appointed to the Fulton County Local Emergency Planning Committee, for the balance of the term January 1, 2013 through December 31, 2013; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Civil Defense/Fire Coordinator, William Ferguson and Administrative Officer/Clerk of the Board.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

**Resolution No. 87**

Supervisors CALLERY AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION APPLYING FOR AND ACCEPTING 2013 “S.T.O.P. VIOLENCE  
AGAINST WOMEN” GRANT FUNDS FROM THE NYS DIVISION OF CRIMINAL  
JUSTICE SERVICES (DISTRICT ATTORNEY)

WHEREAS, the District Attorney has received notification from the NYS Division of Criminal Justice Services that the District Attorney’s Office has been awarded grant funds for the 2013 “S.T.O.P. Violence Against Women” Program; now, therefore be it

RESOLVED, That grant funds provided by the NYS Division of Criminal Justice Services for the 2013 “S.T.O.P. Violence Against Women” Program for the grant period January 1, 2013 through December 31, 2013 be and hereby are accepted, in the amount of \$33,300.00, to be disbursed as reimbursement toward base salaries, as follows:

Fourth Assistant District Attorney	\$28,864.00
Fringe Benefits	<u>4,436.00</u>
Total	\$33,300.00

and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Decrease A-083-3320.000 – State Aid-Domestic Violence Grant	\$1,499.00
Decrease A-045-1165.410 – DA Special Prosecutors/Paralegals	\$1,499.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, NYS Division of Criminal Justice Services, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 462 (18)   Nays: 67 (1) (Supervisor MacVean)   Absent: 22 (1) (Supervisor Waldron)

**Resolution No. 88**

Supervisors CALLERY AND FAGAN offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PURCHASE OF A LATERAL FILE FOR USE IN THE  
DISTRICT ATTORNEY'S OFFICE (100% CRIME VICTIM GRANT FUNDS)**

WHEREAS, Resolution 218 of 2012 authorized application and acceptance of Crime Victim Assistance Program grant funds effective October 1, 2012 through September 30, 2013; and

WHEREAS, the District Attorney requests that a portion of grant funds be used to purchase certain equipment; now, therefore be it

RESOLVED, That the District Attorney be and hereby is authorized to purchase the following equipment for use in the District Attorney's office:

(1) Wide Lateral File with three drawers	\$669.00
Shipping	<u>98.00</u>
Total	\$767.00

and, be it further

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: A-045-1165.465 DA-Crime Victim Grant  
To: A-045-1165.202 DA-Equipment (Victim Advocate)  
Sum: \$767.00

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, District Attorney, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor KINOWSKI and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)



**Resolution No. 89**

Supervisors CALLERY AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING PURCHASE OF DIGITAL RADIO WITH  
2009 LAW ENFORCEMENT TERRORISM PREVENTION  
PROGRAM GRANT FUNDS (SHERIFF)

WHEREAS, Resolution 416 of 2009 accepted a 2009 Homeland Security Program grant, a Law Enforcement Terrorism Prevention Program (LETPP) grant, and a NYS Local Health Department Program in a total amount of \$210,000.00; and

WHEREAS, as a component of said grant award, \$52,500.00 in LETPP funds were allocated to the Sheriff's Department for law enforcement purposes; and

WHEREAS, the Sheriff requests that said funds be used to purchase a Motorola Digital Radio; and

WHEREAS, the NYS Office of Homeland Security has approved the use of the LETPP funds for said purchase; now, therefore be it

RESOLVED, That the Sheriff be and hereby is authorized to purchase certain equipment with 2009 LETPP funds, in a not-to-exceed amount as follows:

One (1) Motorola Digital Radio	\$1,170.00
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and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-3306.003 Sheriff-SLETPP	\$1,170.00
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Appropriation Account:

Increase A-305-3645.203 Sheriff-SLETPP-Equipment	\$1,170.00
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**Resolution No. 89 (continued)**

and, be it further

RESOLVED, That the Sheriff is hereby directed to carry out said purchase expeditiously and complete all grant requirements in 2013; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Civil Defense/Fire Coordinator, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor JOHNSON and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

**Resolution No. 90**

Supervisors CALLERY AND FAGAN offered the following Resolution and moved its adoption:

RESOLUTION AMENDING 2013 BUDGET TO UTILIZE H-F-M PREVENTION  
COUNCIL GRANT FUNDS TO COMBAT UNDERAGE DRINKING  
(SHERIFF)

WHEREAS, Resolution 287 of 2012 authorized acceptance of a grant from the NYS Office of Alcoholism and Substance Abuse Services via the H-F-M Prevention Council to combat underage drinking; and

WHEREAS, the Sheriff requests permission to use said funds for activities related to combating underage drinking; now, therefore be it

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-1520.000 Sheriff Reimb for Svcs	\$1,832.00
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Appropriation Account:

Increase A-305-3110.110 – Sheriff Dept-OT	\$1,832.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Sheriff, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor OTTALAGANO and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

## **Resolution No. 91**

Supervisor CALLERY offered the following Resolution and moved its adoption:

### **RESOLUTION AUTHORIZING EXTENSION AGREEMENT WITH NYS FOR 2007-2008 POLLWORKER VOTER EDUCATION TRAINING GRANT (BOARD OF ELECTIONS)**

WHEREAS, among other things, Resolution 133 of 2007 accepted HAVA grant funds from the NYS Board of Elections for voter education/poll worker training in 2008, in an amount of \$27,996.00; and

WHEREAS, a balance of \$24,909.95 remains unspent from the 2008 grant; and

WHEREAS, the State Board of Elections has extended the contract expiration date from April 1, 2013 until March 31, 2014; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract extension with the State Board of Elections for expenditure of Voter Education/Poll Worker Training grant funds through March 31, 2014; all other terms and aspects of said contract shall remain in full force and effect; and, be it further

RESOLVED, That the Board of Elections Commissioners do each and every other thing necessary to expend said HAVA grant funds prior to the grant expiration date; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Board of Elections Commissioners, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HANDY and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

**Resolution No. 92**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING EXTENSION AGREEMENT WITH NYS FOR 2009 HHS  
FEDERAL ACCESSIBILITY GRANT (BOARD OF ELECTIONS)**

WHEREAS, the County accepted HAVA grant funds from the NYS Board of Elections for voting access for individuals with disabilities in 2009, in an amount of \$2,214.00; and

WHEREAS, a balance of \$1,814.00 remains unspent from the 2009 grant; and

WHEREAS, the State Board of Elections has extended the contract expiration date from August 1, 2009 until July 31, 2014; now, therefore be it

RESOLVED, That the Chairman of the Board be and hereby is authorized to sign a contract extension with the State Board of Elections for expenditure of Voting Access for Individuals with Disabilities grant funds through September 30, 2014; all other terms and aspects of said contract shall remain in full force and effect; and, be it further

RESOLVED, That the Board of Elections Commissioners do each and every other thing necessary to expend said HAVA grant funds prior to the grant expiration date; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Board of Elections Commissioners, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

### **Resolution No. 93**

Supervisor CALLERY offered the following Resolution and moved its adoption:

#### **RESOLUTION AUTHORIZING CONTRACT BETWEEN THE COUNTY TREASURER AND STEWART TITLE INSURANCE COMPANY FOR TITLE SEARCH SERVICES**

WHEREAS, Resolution 67 of 2013 authorized distribution of a Request for Proposals for title search services and one (1) proposal was received; now, therefore be it

RESOLVED, That upon the recommendation of the County Treasurer and Committee on Finance, the Chairman of the Board be and hereby is authorized to sign a contract between the County Treasurer and Stewart Title Insurance Co. of Ballston Spa, NY, for title search services, effective April 1, 2013 through March 31, 2015, at the following rates:

\$85.00 per parcel for base search  
15.00 per parcel for bankruptcy search  
15.00 per parcel for search update

and, be it further

RESOLVED, That said contract awards be and hereby are contingent upon each abstract company submitting a Certificate of Insurance for professional liability insurance naming the County as an additional insured for the entire period of the contract work; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Clerk, Stewart Title Insurance Co., Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor LAURIA and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

## Resolution No. 94

Supervisor CALLERY offered the following Resolution and moved its adoption:

### RESOLUTION AMENDING THE 2013 ADOPTED BUDGET TO REFLECT 2012 ENCUMBRANCES

RESOLVED, That the County Treasurer be and hereby is directed to make the following adjustments for 2012 encumbrances, in accordance with accounting requirements:

A-081-0599.000 General Fund Approp. Fund Bal	\$137,099.49	
A-015-1010.453 BOS-Office Supplies		\$ 93.05
A-055-1170.406 Pub Def-Copier		50.00
A-055-1170.409 Pub Def-Rot Sys of Attorneys		68,376.47
A-055-1170.415 Pub Def-Investigation Svcs		1,000.00
A-055-1170.417 Pub Def-Court Transcripts		139.80
A-085-1325.409 Co Treasurer-Professional Services		1,300.00
A-085-1325.457 Co Treasurer-Books & Directory		205.00
A-245-1620.403 Co Offices & Bldgs-Reg Repairs		319.00
A-245-1624.403 Jail Bldgs-Repairs		3,829.00
A-245-1630.403 Service Complex II-Repairs		650.00
A-275-1680.200 Information Services-Equipment		1,150.00
A-275-1680.413 Information Services-Maint Contracts		316.20
A-275-1680.465 Information Services-Other Supplies		274.82
A-305-3110.200 Sheriff Dept-Equipment		740.99
A-305-3110.465 Sheriff Dept-Rescur & Riot		2,880.07
A-305-3113.421 Communications Ctr-Schools, Conf., Seminar		2,250.00
A-305-3645.203 Sheriff-SLETPP-Equip		1,046.00
A-345-3150.451 Jail-Uniforms		234.25
A-345-3150.460 Jail-Paper Supplies		118.68
A-385-3645.201 Civil Def-SHSP-Equip		51,126.17
A-385-3645.202 Civil Def-CASE-Equip		999.99
D-081-0599.000 Road Fund Approp Fund Bal	\$102,633.47	
D-825-5010.421 Highway Adm-Conf, Sch & Seminars		313.00
D-825-5112.420 Road Construction-Co Road #110		27,405.00
D-825-5142.463 Snow Removal/County-Chemicals&Abrasive		74,915.47
DM-081-0599.000 Road Fund Approp Fund Bal	\$ 35,298.00	
DM-825-5130.200 Rd Machinery-Equip		25,019.00
DM-825-5130.403 Rd Machinery-Repairs		1,513.00
DM-825-5130.454 Rd Machinery-Tires, Oil, Etc.		8,766.00

**Resolution No. 94 (continued)**

EW-081-0599.000 Solid Waste Approp. Fund Bal	\$ 66,330.98	
EW-865-8162.201 Cent Landfill Oprns-Capital Equipment		29,945.00
EW-865-8162.403 Cent Landfill Oprns-Equip Repairs		4,605.99
EW-865-8162.410 Cent Landfill Oprns-Demolition Team		20,000.00
EW-865-8162.417 Cent Landfill Oprns-Facility Repairs		4,569.00
EW-865-8162.454 Cent Landfill Oprns-Auto Supp(Tires, etc)		6,342.71
EW-865-8163.454 Recycling-Auto Supplies		582.78
EW-865-8163.456 Recycling-Printing		285.50

and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Respective Department Heads, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)



## **Resolution No. 95**

Supervisor CALLERY offered the following Resolution and moved its adoption:

### **RESOLUTION ACCEPTING FINAL SETTLEMENT IN MATTER OF AWP PHARMACY LITIGATION VERSUS PAR AND ACTAVAS II**

WHEREAS, Resolution 533 of 2004 authorized a legal services agreement with Kirby, McInerney & Squire (KMS) to conduct a joint lawsuit coordinated with the NYS Association of Counties and other counties to recover Medicaid overcharges from pharmaceutical companies; and

WHEREAS, KMS submitted an installment check for the County's net share of the Par and Actavis II AWP settlements in the amount of \$29,139.84; now, therefore be it

RESOLVED, That the Board of Supervisors hereby accepts final settlement in the matter of AWP Pharmacy Litigation versus Par and Actavis II, in a total amount of \$29,139.84; and, be it further

RESOLVED, That in accordance with said legal services agreement, the Treasurer be and hereby is authorized to sign Form RF-17 for each Settlement to the State of New York requesting reimbursement for administration costs associated with these settlements; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

**Resolution No. 96**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE PURCHASE OF CITRIX SOFTWARE AND  
RELATED ACCESSORIES TO IMPROVE THE COUNTY REAL PROPERTY TAX  
SERVICES CENTRAL DATABASE SYSTEM**

WHEREAS, Resolution 193 of 2012 authorized the Real Property Tax Services Director to convert to a Central Real Property Database to create an efficient, secure and functional database for Real Property System users and eliminate the need for yearly data installs at the municipal level; and

WHEREAS, after a trial run of the system, the Real Property Tax Services Director has determined that Citrix Software is needed to improve database networking with local assessors' offices; and

WHEREAS, the Real Property Tax Services Director contacted all assessing units within the county and each has agreed to contribute a local share of \$99.00 per municipality to purchase the aforementioned improvements; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Finance, the Real Property Tax Services Agency Director and Information Services Director be and hereby are authorized to purchase Citrix Software and related accessories to improve the County Real Property Tax Services Central Database System at a cost not to exceed \$5,601.00; and, be it further

RESOLVED, That the County Treasurer be and hereby is authorized to make the following transfers:

From:

A-125-1355.402 R/P Tax Svcs-Travel (Techs & DIR)	\$ 68.00
A-125-1355.403 R/P Tax Svcs-Repairs	250.00
A-125-1355.420 R/P Tax Svcs-Misc	95.00
A-125-1355.421 R/P Tax Svcs-Conv, Sch&Seminars	1,200.00
A-125-1355.456 R/P Tax Svcs-Printing	<u>200.00</u>
	\$1,813.00

To:

A-125-1355.200 R/P Tax Svcs-Equipment	\$1,813.00
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From:

A-275-1680.201 Information Services-Capital	\$1,800.00
A-255-1670.460 Printing Dept-Paper, Offset, Ink, Etc.	<u>800.00</u>
	\$2,600.00

**Resolution No. 96 (continued)**

To:

A-275-1680.200 Information Services-Equipment \$2,600.00

and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-2220.000 Real Property Charges \$1,188.00

Appropriation Account:

Increase A-125-1355.200 R/P Tax Svcs-Equipment \$1,188.00

and, be it further

RESOLVED, That the Real Property Tax Services Director and Information Services Director do each and every other thing necessary to further the purport of this Resolution; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Real Property Tax Services Agency Director, Information Services Director, All County Municipalities, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor DIGIACOMO and adopted by the following vote:

Total: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Waldron)

**Resolution No. 97**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION SETTING DATE FOR PUBLIC HEARING REGARDING LOCAL LAW A  
OF 2013 ENTITLED “LOCAL LAW ESTABLISHING REAL PROPERTY TAX  
EXEMPTION FOR NONRESIDENTIAL REAL PROPERTY CONVERTED TO MIXED-USE  
PROPERTY IN ACCORDANCE WITH SECTION 485-A OF THE NEW YORK STATE  
REAL PROPERTY TAX LAW”**

WHEREAS, there has been duly presented and introduced at a meeting of the Fulton County Board of Supervisors, held on March 11, 2013, a proposed local law entitled, “Local Law Establishing Real Property Tax Exemption for Nonresidential Real Property Converted to Mixed-Use Property in accordance with Section 485-A of the New York State Real Property Tax Law”; now, therefore be it

RESOLVED, That a public hearing shall be held for said proposed Local Law “A” of 2013 by the Fulton County Board of Supervisors on Monday, April 8, 2013 at 1:30 p.m., in the Supervisors Chambers, County Office Building, Johnstown, NY, and that at least seven days’ notice (excluding Sundays) of such public hearing be given by the Clerk of the Board by duly posting upon the bulletin boards in the Fulton County Office Building, Johnstown, NY, and by publication at least once in the official Fulton County newspaper; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Administrative Officer/Clerk of the Board and to each and every other person, institution or agency who will further the purport of this Resolution.

Seconded by Supervisor PONTICELLO and adopted by the following vote:

Total: Ayes: 476 (18)      Nays: 53 (1) (Supervisor DiGiacomo)      Absent: 22 (1)  
(Supervisor Waldron)

**COUNTY OF FULTON**  
**LOCAL LAW “A” OF 2013 ENTITLED,**  
**“LOCAL LAW ESTABLISHING REAL PROPERTY TAX EXEMPTION FOR**  
**NONRESIDENTIAL REAL PROPERTY CONVERTED TO MIXED-USE PROPERTY**  
**IN ACCORDANCE WITH SECTION 485-A OF THE NEW YORK STATE REAL**  
**PROPERTY TAX LAW”**

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FULTON,  
AS FOLLOWS:

***Purpose:***

By providing a tax incentive, the Fulton County Board of Supervisors wishes to encourage conversion of non-residential real property to mixed use property within the towns, cities and villages.

***Authority:***

This local law is made pursuant to New York State Real Property Tax Law §485-a.

***Definitions:***

As used in this section, the following terms shall have the following meanings:

- (A) “Applicant” means any person obligated to pay real property taxes on the property for which an exemption from real property taxes under this section is sought.
- (B) “Commercial construction work” means the modernization, rehabilitation, expansion or other improvement of the portion of mixed-use property to be used for commercial purposes.
- (C) “Commercial purpose or use” means the buying, selling or otherwise providing of goods or services, including hotel services, or other lawful business or commercial activities permitted in mixed-use property.
- (D) “Mixed-use property” means property on which will exist, after completion of residential construction work or a combination of residential construction work and commercial construction work, a building or structure used for both residential and commercial purposes.
- (E) “Person” means an individual corporation, limited liability company, partnership, association, agency, trust, estate, foreign or domestic government or subdivision thereof, or other entity.

- (F) “Residential construction work” means the creation, modernization, rehabilitation, expansion or other improvement of dwelling units, other than dwelling units in a hotel, in the portion of mixed-use property to be used for residential purposes.

***Residential-Commercial Urban Exemption Program:***

- A. The provision of this section shall only apply to Non-Residential Real Property converted to mixed-use property.
- B. Such real property shall be exempt for a period of eight (8) years to the extent of one hundred percent (100%) of the increase in assessed value thereof attributable to such reconstruction, alteration or improvement and for an additional period of four (4) years; provided, however that the extent of such exemption shall be decreased by twenty percent (20%) for each year during such additional period of four (4) years and such exemption shall be computed with respect to the “exemption base” with the exemption base being determined for each year in which there is an increase in assessed value so attributable from that of the previous year’s assessed value.

The computation of the tax exemption shall be as follows:

Years 1 through 8	100% of exemption base
Year 9	80% of exemption base
Year 10	60% of exemption base
Year 11	40% of exemption base
Year 12	20% of exemption base

- C. No such exemption shall be granted unless such conversion was commenced subsequent to the effective date of this local law; and the cost of such conversion exceeds the sum of Ten Thousand Dollars (\$10,000).
- D. For purposes of this section, the term “conversion” shall not include ordinary maintenance and repairs.
- E. Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the New York State Board of Real Property Services, the original of which shall be filed with the Assessor. Such application shall be filed on or before the taxable status date applicable to the municipality within one (1) year of the date of completion of such conversion.

- F. No such exemption shall be granted concurrent with or subsequent to any other real property tax exemption granted to the same improvements to real property, except, where during the period of such previous exemption, payments in lieu of taxes or other payments were made to the local government in an amount that would have been equal to or greater than the amount of real property taxes that would have been paid on such improvements had such property been granted an exemption pursuant to this section. In such case, an exemption shall be granted for a number of years equal to the twelve (12) year exemption granted pursuant to this section less the number of years the property would have been previously exempt from real property taxes.
- G. This local law shall apply to all assessment rolls prepared on the basis of taxable status dates occurring on or after the effective date of this local law.

***8. Severability:***

If any section of subsection, paragraph, clause, phrase or portion of this chapter shall be judged invalid or held unconstitutional by a court of competent jurisdiction, any judgment made thereby shall not affect the validity of this chapter as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

***9. Effective Date:***

This local law shall take effect upon filing in the office of the Secretary of the State as provided by Municipal Home Rule Law.

**Resolution No. 98**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AWARDING BIDS FOR PAPER AND PRINTING SUPPLIES FOR USE IN  
THE INFORMATION SERVICES/PRINTING DEPARTMENT**

WHEREAS, Resolution 66 of 2013 authorized advertisement for bids for paper and printing supplies for use in the Information Services/Printing Department and two (2) bids were received; now, therefore be it

RESOLVED, That the net bids, as hereinafter indicated, be and hereby are awarded for lump sum purchases, they being the lowest responsible bidders in accordance with Specification No. 2013-25-01, dated February 11, 2013:

WB Mason Office Supplies, Albany, NY:

Category A - White Xerographic Paper	\$9,652.00
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Ariva Distribution, Albany, NY:

Category C: NCR Paper	1,165.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Information Services/Printing Director, Printing Division, All Bidders, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BORN and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)



**Resolution No. 99**

Supervisor CALLERY offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING CERTAIN TRANSFERS AND BUDGET AMENDMENTS**

RESOLVED, That the County Treasurer be and hereby is directed to make the following transfer:

From: EW-082-0878.000 CL Bldg/Equipment Depreciation

To: EW-082-0909.000 Fund Balance

Sum: \$29,945.00

and, be it further

RESOLVED, That the 2013 Adopted Budget be and hereby is amended, as follows:

Revenue Account:

Increase A-083-2680.000 Insurance Recoveries	\$2,437.00
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Appropriation Account:

Increase A-305-3110.403 Sheriff Dept-Repairs, Reg Tuneups	\$2,437.00
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and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Sheriff, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor BRADT and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

**Resolution No. 100**

Supervisor DIGIACOMO offered the following Resolution and moved its adoption:

**RESOLUTION AUTHORIZING PROVIDER AGREEMENT BETWEEN THE PUBLIC  
HEALTH DEPARTMENT AND THE NYS DEPARTMENT OF HEALTH TO PROVIDE  
SERVICE COORDINATION TO CHILDREN IN THE  
EARLY INTERVENTION PROGRAM**

WHEREAS, legislation enacted concurrently with the 2012-13 State Budget has implemented a new system for the administration of the Early Intervention Program for children in New York State; and

WHEREAS, said system will involve the implementation of a State “Fiscal Agent” that coordinates the payment of vendors for services provided to clients in the Early Intervention Program; and

WHEREAS, under the auspices of said new system, the County Public Health Department will provide Service Coordination services to the NYS Department of Health and will continue to receive Medicaid reimbursement, with any balance state-aidable at approximately 48 percent; now, therefore be it

RESOLVED, That the Chairman of the Board be, and hereby is, authorized to sign a provider agreement between the Public Health Department and the NYS Department of Health to provide Service Coordination for Fulton County children in the Early Intervention Program; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, County Attorney, Public Health Director, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor GENDRON and adopted by the following vote:

Total: Ayes: 19   Nays: 0   Absent: 1 (Supervisor Waldron)

## **Resolution No. 101**

Supervisor BRADT offered the following Resolution and moved its adoption:

### **RESOLUTION ESTABLISHING REVIEW CRITERIA FOR THE INCLUSION OF PARCELS INTO FULTON COUNTY AGRICULTURAL DISTRICTS**

WHEREAS, Resolution 159 of 2004 established the month of March as the period of time each year when a landowner may request inclusion of parcels into Fulton County Agricultural District No. 1; and

WHEREAS, in accordance with State law, when properties are considered for inclusion into Agricultural Districts, they are first referred to the Agricultural and Farmland Protection Board for review and comment; and

WHEREAS, the Board of Supervisors utilizes Agricultural and Farmland Protection Board recommendations in its deliberations regarding whether or not to include parcels into an Agricultural District; now, therefore be it

RESOLVED, That upon the recommendation of the Committee on Economic Development and Environment, the Board of Supervisors hereby adopts the following criteria for consideration of applications to add land to a County Agricultural District:

1. The property must be used in agricultural production, or be part of a farm operation.
2. The property must be able to obtain one or more of the benefits afforded to properties in an Agricultural District per Section 305, 305a and 305-b of the NYS Agriculture and Markets Law, as amended.
3. The property must be in compliance with local, state and federal rules and regulations and be free from town, state and federal violations.
4. The property must not be delinquent for any county, school or local property taxes.
5. The property must not pose a potential nuisance to adjacent properties.

and, be it further

**Resolution No. 101 (continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Planning Director, NYS Department of Agriculture and Markets, Fulton County Agricultural and Farmland Protection Board, Budget Director/County Auditor, Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor FAGAN and **DEFEATED** by the following vote:

Total: Ayes: 53 (2) Nays: 476 (17) (Supervisors Argotsinger, Born, Callery, Capek, DiGiacomo, Gendron, Handy, Howard, Johnson, Kemper, Kinowski, Lauria, MacVean, Ottalagano, Ottuso, Ponticello, Potter) Absent: 22 (1) (Supervisor Waldron)

